# Gaviota State Park

# California Coastal Trail – Gaviota Segment
# FINAL Mitigated Negative Declaration

## September 2007

**Lead Agency**

## California Department of Parks and Recreation

# MITIGATED NEGATIVE DECLARATION

**PROJECT:** **GAVIOTA STATE PARK**
**CALIFORNIA COASTAL TRAIL – GAVIOTA SEGMENT PROJECT**

**LEAD AGENCY:** California Department of Parks and Recreation (DPR)

**AVAILABILITY OF DOCUMENTS:**
The Initial Study for this Mitigated Negative Declaration was made available throughout the 30-day public review period at the reference desks of the Goleta Valley Branch and Santa Barbara Public Libraries. It was also available at the public information desks of DPR's Channel Coast District office in Ventura and Gaviota State Park. The Final Mitigated Negative Declaration and all supporting materials will be available, by request, at DPR's Northern Service Center, One Capitol Mall, Suite 500, Sacramento, CA 95814.

**PROJECT DESCRIPTION:**
The proposed California Coastal Trail – Gaviota Segment Project includes approximately 4 km (2.5 mi) of paved multi-use trail and approximately the same length of parallel soft surface equestrian trail. The combined trail would extend east from Gaviota Beach Road (at the Gaviota State Park entrance) to approximately 213 m (700 ft) west of Cañada de San Onofre.

Technical
The cross-section of the paved multi-use portion of the trail would include 2.43 m (8 ft) of asphaltic pavement bordered by 0.46 m (1.5 ft) shoulders on each side of compacted aggregate for a total width of 3.35 m (11 ft). The equestrian trail would contain a soft surface native soil/shale mix tread approximately 1.52 m (5 ft) in width with no shoulders. To minimize cut and fill slope impacts, portions of the trail would require retaining walls of varying heights. The asphalt and soft surface trails would be separated by a distance that varies throughout the length of the trail. The trails would narrow into a close parallel alignment at drainage crossings and would combine into a single shared alignment along one small segment.

A parking area and trailhead of approximately (0.433 ac) would be located at the west end of the trails. The surface of the parking area would be gravel or a form of permeable concrete paving. The trailhead would include interpretive panels, benches, equestrian staging areas and an accessible equestrian platform. The two trail surfaces would extend east across the coastal bluff over cross-slopes of varying terrain, with portions of the trails constructed on linear grades of up to 8.3% for the asphaltic trail and up to 16.9% for the equestrian trail with up to 2:1 side slopes. The equestrian trail and multi-use trail cross each other at defined locations along the alignment to facilitate use separations in steep terrain and avoid potentially hazardous conflicts of use.

The trail alignments cross several drainages that are intercepted by culverts under U.S. Route 101. Four named drainages would be crossed by the trail: Cañada del Barro, Cañada del Cementerio, Cañada Alcatraz, and Cañada del Leon (see Figure 2 in Appendix A). The trails would cross each of these four drainages over the existing culverts that pass under U.S. Route 101. The trail would require approximately 19 new culverts in total.

The trail corridor would extend through the Gaviota Marine Terminal, owned by Shell Pipeline Company, LP, within an easement transferred to the California Department of

Parks and Recreation by the State Coastal Conservancy in June 2005. A retaining wall would raise both the equestrian and multi-use trail elements to pass over critical utilities. Proposed fencing through the marine terminal would separate the trail users from the marine terminal operations. The trail corridor would exit the east end of the marine terminal and tie into an existing paved emergency fire access road through an area of sensitive resources. The eastern end of the trail would consist of an interpretive plaza area of approximately 0.65 ha (1.6 ac). The plaza would contain interpretive panels, benches, bike parking and a horse resting area.

The trail would be constructed using small to medium sized road building equipment for grading, constructing the culvert crossings, and hauling material along the trail alignment and existing marine terminal roads. Equipment would access the parking area off of Gaviota Beach Road, Depot Road and the east end of the trails near Cañada San Onofre to grade, construct walls and install paving. The retaining walls along the trail alignment would be of steel "soldier pile" construction for higher walls and stacked concrete block for lower walls and would require the use of heavy equipment, small tractors, and hand labor for installation. Small asphalt paving equipment would be used for the paving of the multi-use trail. The project's temporary impact areas would be covered with duff and grubbing debris, and replanted with native species to encourage plant establishment and reduce compaction impacts.

Trail construction may be phased, with the first phase comprised of approximately 1 (one) mile each of paved multi-use trail and a small turnaround loop. Phase I would begin at the parking area and extend to just west of the marine terminal. In later phases, DPR would construct the remainder of the paved trail from the end of the first phase to the trail terminus at the east end of the project and construct the soft surface equestrian trail. Additional features may be added to the turnaround including a paved plaza area containing a bench, interpretive panel, room for bicycle parking, and a soft surface area for horse resting.

Economic

DPR received funding for the project's environmental analysis and design phase through a TEA grant from FHWA. Additional TEA funds as well as other grant opportunities may be available for the project construction phase.

Environmental

In order to avoid cultural and natural resources, the trail alignment has been altered in several locations. At the west end of the alignment, the route was relocated to the north in order to avoid a US Army Corps of Engineers (USACE) jurisdictional wetland near Gaviota Beach Road. Between Cañada del Barro and Depot Road the alignment was moved south toward the railroad easement to avoid cultural resources. The California Coastal Commission (CCC) jurisdictional wetland east of Depot Road was avoided by routing the trails south of the wetland. At the bluff area west of Cañada del Cementerio which contains both CCC wetland and Gaviota tarplant (*Deinandra increscens* ssp. *villosa*) habitat, the trails were kept adjacent to each other and aligned to minimize the amount of disturbance to these natural resources. At Cañada del Cementerio the alignment was relocated north of the culvert outfall to avoid the drainage area and move the alignment as far as possible from the monarch butterfly (*Danaus plexippus*) overwintering area. At Cañada Alcatraz, the alignment was relocated to the north of the

culvert outfall to avoid disturbance of the drainage. East of the Gaviota Marine Terminal, the trail alignment was routed near the property line fence and along a paved emergency road to avoid sensitive tarplant habitat with a high concentration of known tarplant locations. Between Cañada del Leon and Cañada San Onofre the trail alignments were relocated to the north to avoid CCC jurisdictional wetlands and good quality tarplant habitat.

Impact Area

The permanent project impact area includes approximately 2.52 ha (6.23 ac) of multi-use paved trail, approximately 1.11 ha (2.75 ac) of equestrian native soil/shale mix trail, approximately 224 sm (2,411 sf) of culvert headwall structures, approximately 80 sm (861 sf) of rock slope protection, approximately 0.23 ha (0.57 ac) of trailhead parking and interpretive areas, and approximately 0.31 ha (0.77 ac) of soil borrow area (see Figure 2 in Appendix A). The temporary project impact area includes approximately 0.18 ha (0.44 ac) of construction staging areas and approximately 0.54 ha (1.34 ac) of access routes. Approximately 575 sm (1,900 sf) of the total construction staging area would be located in areas not previously disturbed. Staging areas would be situated in the proposed parking area at the west end of the trail, the interpretive plaza at the east end of the trail, within the marine terminal, and within the Union Pacific Railroad gravel staging area. Construction access routes are all located along existing gravel or paved roads within the project area or along the two trail alignments.

The anticipated soil borrow area is limited to a stockpile of bioremediated soil that is located within the eastern end of the Gaviota Marine Terminal. All other construction material would either be generated by balancing cut and fill or obtained from locations off the project site. All vegetative grubbing waste would either be hauled offsite or disposed in an existing disposal area within Gaviota State Park. The project requires no change to existing utility or transportation systems.

The project's permanent impact area includes the entire alignment of both trail elements and their associated features (including retaining walls, culverts, etc.), the western parking and interpretive area, and the eastern interpretive area. These areas combined encompass 4.20 ha (10.37 ac). The project's temporary impact area includes construction staging areas and access routes. The combined temporary impact areas encompass 0.72 ha (1.77 ac).

Best Management Practices (BMPs)

Temporary BMPs for the project would include periodic spraying of construction areas with water to minimize dust, siltation fences and straw wattles to control the deposition of sediments into drainages and wetlands, and gravel surfacing of staging areas to prevent deposition of soil on roadways from construction vehicles. Permanent BMPs would include native revegetation of cut and fill areas, energy dissipaters at culvert outfalls, and rock infiltration trenches around hardscape plaza areas.

**FINDINGS**

An Initial Study has been prepared to assess the proposed project's potential impacts on the environment and the significance of those impacts and is incorporated in the Draft MND. Based on this Initial Study, DPR has determined that the proposed project would not have any significant impacts on the environment, once all proposed mitigation

measures have been implemented. This conclusion is supported by the following findings:

- There was no potential for adverse impacts on Agricultural Resources, Land Use and Planning, Mineral Resources, or Population and Housing associated with the proposed project.

- Potential adverse impacts resulting from the proposed project were found to be less than significant in the following areas: Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems.

- Full implementation of the proposed mitigation measures included in this MND would reduce potential project-related adverse impacts on Aesthetics, Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, to a less than significant level.

### AVOIDANCE, MINIMIZATION AND MITIGATION MEASURES

The following measures have been incorporated into the scope of work for the California Coastal Trail – Gaviota Segment Project and will be fully implemented by DPR to avoid, minimize, or mitigate adverse environmental impacts identified in this MND. These measures will be included in contract specifications and instructions to DPR personnel involved in implementing the project.

### AESTHETICS

#### MINIMIZATION MEASURE AESTH-1

- Cut and fill slopes will be revegetated for stability and over time the native vegetation will cover newly graded slopes.
- Retaining walls will also be screened using native vegetation.
- Rest area elements will not be more than 3-4 feet high.

### AIR QUALITY

#### MINIMIZATION MEASURE AIR-1

- All active construction areas will be watered to adequately control dust during dry, dusty conditions.
- All trucks hauling soil, sand, or other loose materials on public roads will be covered or required to maintain at least two feet of freeboard.
- All equipment engines will be maintained in good mechanical condition, according to manufacturer's operating specifications, and in compliance with all State and federal requirements.
- Excavation and grading activities will be suspended when sustained winds exceed 25 mph, instantaneous gusts exceed 35 mph, or when dust from construction might obscure driver visibility on public roads.

## BIOLOGICAL RESOURCES

### MINIMIZATION MEASURE BIO-1

- During construction activities all trash will be properly contained, removed from the worksite, and disposed of regularly. Following construction, all trash and construction debris will be removed from the site.
- Project boundaries and routes of travel will be clearly marked. Construction activities will be limited to the minimum area necessary for successful project completion.
- The location of construction access routes and staging areas will be limited to developed areas (including existing roads and parking areas) to the greatest extent possible.
- Excavated soil will only be deposited at designated sites; disposal sites will be separated from sensitive habitats by approved containment and erosion control methods.
- Prior to construction activities, a qualified biologist will conduct a training session for all construction personnel. This training will inform workers how to identify and avoid sensitive species and habitats, identify proper disposal of staff and construction debris, and proper response to fluid spill. Workers will be required to complete the training before they would be authorized to work in the project area.

### MINIMIZATION MEASURE BIO-2

- A biological monitor qualified to identify California horned lizards, will walk in front of all ground disturbing equipment to search for California horned lizards. If horned lizards are found, they will be safely cleared from the path of the equipment.

### MINIMIZATION MEASURE BIO-3

- The blue gum eucalyptus trees that will be removed from the Cementerio overwintering site will be replaced on-site (within the Cementerio grove) at a 1:1 ratio.
- Any eucalyptus tree removal from within the Cañada del Cementerio drainage will take place between September 17 and October 1 to avoid the monarch overwintering period and the breeding bird season.

### MINIMIZATION MEASURE BIO-4

- The cutting and removal of native and non-native vegetation and man-made nesting substrates will occur between September 17 and January 31 to avoid the breeding bird season (this window for vegetation cutting and removal may be shortened due to seasonal restrictions established for the avoidance and minimization of impacts to other species). If subsequent construction activities are delayed for a period of 1 month following initial vegetation cutting and removal, weekly bird nest surveys will be conducted beginning 30 days prior to any planned disturbance of suitable nesting habitat (e.g. additional cutting and removal of vegetation) during the breeding

season with the last survey being conducted no more than three days prior to the resumption of work affecting nesting habitat. If an active raptor nest is located, clearing and construction within 76 m (250 ft) will be postponed until the nest is vacated and juveniles have fledged. If an active nest of another native bird species is located, clearing and construction within 46 m (150 ft) will be postponed until the nest is vacated and juveniles have fledged.

- Limits of construction to avoid a nest will be established in the field with flagging and stakes or construction fencing. Construction personnel will be instructed on the sensitivity of the area.

**MINIMIZATION MEASURE BIO-5**

- Weekly white-tailed kite nest surveys will be conducted beginning at least 30 days prior to any tree removal that is scheduled to take place between September 17 and October 31. If an active nest is located, clearing and construction within 152 m (500 ft) will be postponed until the nest is vacated and juveniles have fledged.
- Limits of construction to avoid a nest will be established in the field with flagging and stakes or construction fencing. Construction personnel will be instructed on the sensitivity of the area.

**MITIGATION MEASURE BIO-6**

DPR will prepare and implement a comprehensive vegetation management plan that addresses impacts to the following sensitive plants and vegetation types:

- Gaviota tarplant
- Willow scrub riparian habitat
- Purple needlegrass grassland
- Coastal sage scrub

This plan will include mitigation and monitoring appropriate to each species or vegetation type and identify suitable plant materials, weed control, maintenance methods, a timeline, success criteria and contingency actions, and specific methods for monitoring and reporting. Post-construction monitoring will be conducted for a period of three years. Criteria specific to the sensitive plants and vegetation types listed above are described in Mitigation Measures Bio-7, Bio-8, Bio-9, and Bio-10.

**MITIGATION MEASURE BIO-7**

- Pursuant to Fish and Game Code Section 2081, DPR will apply to for a California Endangered Species Act (CESA) permit for the anticipated "take" of Gaviota tarplant, a State- and federally-listed endangered plant. Caltrans is consulting with the US Fish and Wildlife Service regarding Gaviota Tarplant to ensure project compliance with Section 7 of the (federal) Endangered Species Act (ESA).
- Gaviota tarplant habitat will be re-established and enhanced onsite within Gaviota SP, at a ratio of 3 acres enhanced for each 1 acre permanently or temporarily impacted. Soils will be conserved, kept covered, and replaced in

temporary impact zones after project activities. Indirect impact areas will be mitigated at a ratio of 1:1.

- In trail construction areas where fine sandy loam topsoil (of the Milpitas-Positas-Concepcion series) is present, topsoil will be salvaged, kept in a covered stockpile, and used to restore impacted areas, as approved by CDFG and USFWS. Seedbank and soil salvage and replacement will occur on a 1:1 basis, and will be followed by weed control.
- Noxious weeds including exotic veldt grass will be aggressively controlled at all disturbed sites within the project footprint as defined in the Vegetation Management Plan, which is described in Mitigation Measure Bio-6. Habitat restoration or replacement will be performed using methods acceptable to regulatory agencies. Mitigation sites will focus on areas where native perennial grassland is impacted by weeds or thatch, and areas of non-native annual grassland. All mitigation sites will be within Milpitas-Concepcion-Positas soil types.
- Mitigation and monitoring for Gaviota tarplant will be prepared and implemented according to the Vegetation Management Plan. Native grassland species will be employed for revegetation, and local (Gaviota coast) seed sources will be used.
- The Vegetation Management Plan will outline the future management methods to be employed by DPR in tarplant habitat traversed by the proposed recreational trails. This would include enhancing high quality tarplant habitat, encouraging native grasses and forbs, and controlling non-native weeds such as veldt grass.

**MITIGATION MEASURE BIO-8**

- Pursuant to Fish and Game Code Section 1600 et seq., DPR will apply for a Streambed Alteration Agreement (SAA) with the California Department of Fish and Game regarding the project's direct or indirect impacts to stream bed, bank or channel or associated riparian resources. The SAA may require project modification(s).
- All trees that are removed from within 30 m (100 ft) of the Gaviota Creek riparian corridor will be replaced with native riparian species at a 3:1 ratio within the Gaviota Creek riparian corridor.
- Willow scrub habitat will be re-established and enhanced within Gaviota SP, at a ratio of 3 acres of willow scrub habitat enhanced for each 1 acre permanently impacted. Habitat restoration or replacement would be performed using methods acceptable to regulatory agencies. Vegetation will be re-established and enhanced onsite using native plant species appropriate to the local site. Restoration will include planting native willow trees and understory species which comprise the willow scrub vegetative community. Restoration efforts will focus on removing weedy and marginal habitat now present near Gaviota Beach Road and the campground, and replacing with appropriate native willow scrub species.
- Mitigation and monitoring for willow scrub will be prepared and implemented according to the Vegetation Management Plan. Native riparian species will be employed for revegetation, and local (Gaviota coast) seed sources will be used.

- Non-native weeds will be controlled at all disturbed sites within the project footprint as defined in the Vegetation Management Plan that is described in Mitigation Measure Bio-6.

**MITIGATION MEASURE BIO-9**

- Purple needlegrass grassland will be restored and enhanced onsite within Gaviota SP, at a ratio of 3 acres created for each 1 acre permanently impacted. Vegetation will be restored and enhanced onsite using native plant species appropriate to the site. For purple needlegrass grassland that occurs within Gaviota tarplant habitat, habitat will be restored to the specifications described in the Gaviota tarplant mitigation section.
- Mitigation and monitoring for purple needlegrass grassland will be prepared and implemented according to the Vegetation Management Plan. Native grassland species will be employed for revegetation, and local (Gaviota coast) seed sources will be used.
- Non-native weeds will be controlled at all disturbed sites within the project footprint as defined in the Vegetation Management Plan, which is described in Mitigation Measure Bio-6.
- Native vegetation barriers will be planted where appropriate on trail edges to discourage off- trail use and future impacts.

**MITIGATION MEASURE BIO-10**

- Coastal sage scrub will be restored and enhanced onsite within Gaviota SP, at a ratio of 1 acre for each 1 acre permanently impacted.
- Mitigation and monitoring for coastal sage scrub will be prepared and implemented according to the Vegetation Management Plan. Native coastal scrub species will be employed for revegetation, and local (Gaviota coast) seed sources will be used.
- Non-native weeds will be controlled at all disturbed sites within the project footprint as defined in the Vegetation Management Plan, which is described in Mitigation Measure Bio-6.
- Native vegetation barriers will be created where appropriate on trail edges to discourage off- trail use and future impacts.

**AVOIDANCE MEASURE BIO-11**

- Prior to construction, environmentally sensitive areas (ESA) will be delineated on project plans and specifications. No construction activities will occur within ESA zones outside of the project boundary.
- ESA zones will include willow scrub, purple needlegrass grassland, coastal sage scrub, wetlands, and Gaviota tarplant habitat. These communities and habitats will be separated from project construction activities by safety fencing. The fenced area around willow scrub vegetation and wetlands will include a buffer

zone sufficient to avoid both direct and indirect impacts.

**AVOIDANCE MEASURE BIO-12**

- DPR will provide informational signage at the trailhead parking lot on Gaviota Beach Road identifying the sensitivity of natural resources bordering the California Coastal Trail – Gaviota Segment. The sensitivity of Gaviota Creek, which is habitat for endangered species such as tidewater goby and southern steelhead, will be emphasized. Al visitors, including hikers, cyclists, and horseback riders will be informed of the need to stay on the trail to avoid harm to these sensitive areas and species.
- Areas along the trail identified as sensitive habitat, including the Gaviota Creek riparian zone and Gaviota tarplant habitat, will be protected by cable-and-post or other fencing measures after construction is complete.

**MITIGATION MEASURE BIO-13**

- State jurisdictional wetlands and riparian habitat will be re-established onsite within Gaviota SP. Wetland vegetation types and mitigation ratios are listed in Tables 3 and 4. Each vegetation type listed will be re-established using native plant species appropriate to the site.
- A wetland mitigation and monitoring plan will be prepared and implemented. This plan will include: plant materials, weed control, maintenance methods, a timeline, success criteria and contingency actions, and specific methods for monitoring and reporting. The mitigation and monitoring plan will include post-construction monitoring for the listed wetland types for a period of three years.
- Native vegetation barriers will be created where appropriate on trail edges to discourage off- trail use and future impacts.
- Mitigation sites will consist of areas within wetlands that are presently dominated by exotic plant species and where native vegetation is sparse or absent.
- Exotic vegetation will be removed from mitigation sites, as defined in the wetland mitigation and monitoring plan.

**Table 3** Mitigation Area for Wetlands under California Coastal Commission and Department of Fish and Game Jurisdiction

| Vegetation type | Permanent impacts | | Indirect impacts | | Mitigation | Total mitigation area | |
|---|---|---|---|---|---|---|---|
| | Ha | (acres) | ha | (acres) | ratios | ha | (acres) |
| Willow riparian | 0.19 | 0.48 | 0.03 | 0.08 | 3:1 | 0.57 | 1.44 |
| Wet meadow/swale | 0.08 | 0.20 | 0.02 | 0.05 | 3:1 | 0.24 | 0.60 |
| Ruderal/wet | 0.20 | 0.50 | 0.42 | 1.05 | 1:1 | 0.20 | 0.50 |
| Southern coastal salt marsh | no impacts | | no impacts | | | | |
| Total | 0.47 | 1.18 | 0.47 | 1.18 | | 1.01 | 2.54 |

**Table 4** Mitigation Area for Temporary Impacts to Wetlands under California Coastal Commission and Department of Fish and Game Jurisdiction

| Vegetation type | Temporary impacts | | Mitigation | Total mitigation area | |
|---|---|---|---|---|---|
| | ha | (acres) | ratios | ha | (acres) |
| Willow riparian | 0.04 | 0.09 | 1:1 | 0.04 | 0.09 |
| Wet meadow/swale | 0.12 | 0.31 | 1:1 | 0.12 | 0.31 |
| Ruderal/wet | 0.35 | 0.87 | 1:1 | 0.35 | 0.87 |
| Southern coastal salt marsh | no impacts | | | no impacts | |
| Total | 0.51 | 1.27 | | 0.51 | 1.27 |

**MINIMIZATION MEASURE BIO-14**

- To minimize potential impacts to California red-legged frog (CRLF), DPR has evaluated the potential presence of this species or its habitat according to US Fish and Wildlife Service (USFWS) protocols.
- DPR will develop measures to avoid or minimize project impacts on this species in consultation with Caltrans and federal and state regulatory agencies. These measures may include (but not be limited to): preconstruction surveys for CRLF adults, tadpoles, or eggs; construction monitoring by a qualified biologist; limiting vegetation removal to the dry season (September 17 - October 31); and limiting work to daylight hours.

**MINIMIZATION MEASURE BIO-15**

To minimize potential impacts to southwestern pond turtle (SWPT), two-striped garter snake (TSGS) and Coast Range Newt (CRN), DPR will implement the following measures:

- Immediately prior to initiating construction for the installation of culverts, all construction sites and access roads within the streambed, as well as all streambed areas within 300 feet of the construction site and access road, will be inspected at the appropriate season by a qualified biologist for the presence of TSGS, CRN, and SWPT.
- Construction work areas and access roads will be cleared of TSGS, CRN, and SWPT before the prescribed work is to be carried out, immediately before any equipment is moved into or through the stream or habitat areas, and immediately before diverting any stream water. Any removal of such species will be conducted by a qualified biologist with the appropriate collection or handling permits, with the animals relocated to nearby suitable habitat areas.

## CULTURAL RESOURCES

### AVOIDANCE MEASURE CULT-1

- A DPR-qualified cultural resource specialist will consult with the project manager, contractor(s), and/or State Representative to develop a site avoidance plan that will ensure avoidance of impacts to all identified archaeological sites within the project's Area of Potential Effects.
- Archaeological sites CA-SBA-96 and CA-SBA-2484H would be designated Environmentally Sensitive Areas (ESAs), depicted as such on the construction plans, and marked with flagging prior to the start of construction. Activities within the ESAs would be restricted to elements identified within the scope of this project and subject to strict implementation of all avoidance and mitigation measures included in this document. The area would be off-limits to all personnel not actively involved in approved activities.
- All earthmoving activities, including the operation of heavy equipment within ESA would be prohibited without the approval of the project archaeologist.
- A State Archaeologist or his/her designee will monitor all construction activities in the vicinity of sites CA-SBA-96 and CA-SBA-2484H. If potentially significant resources are unearthed, work in the immediate area of the find would be temporarily halted or diverted until identification and proper treatment are determined and implemented. The DPR Service Center or District Cultural Resource Section will be notified a minimum of three weeks prior to the start of ground-disturbing work to schedule monitoring, unless other arrangements are made in advance.

### MINIMIZATION MEASURE CULT-2

- In the event that previously undocumented cultural resources are encountered by anyone during project-related activities, including, but not limited to, dark soil containing shellfish, bone, flaked stone artifacts [e.g., arrow points, scraping tools and others], groundstone tools [e.g., metates, mortars, and others], deposits of historic trash, or historic structures, work within the immediate vicinity of the find will be temporarily halted or diverted until a State Archaeologist or his/her qualified designee has evaluated the find and implemented appropriate treatment and disposition of the artifact(s).

- Once any significant cultural resources are found in a project location, a qualified historian, archaeologist, and/or Tribal representative would monitor any ground-disturbing work in that area from that point forward.

**MITIGATION MEASURE CULT-3**

- In the event that human remains are discovered, work will cease immediately in the area of the find and the State's Representative will notify the appropriate DPR personnel. Any human remains and/or funerary objects will be left in place. The DPR Sector Superintendent (or authorized representative) will notify the County Coroner, in accordance with §7050.5 of the California Health and Safety Code, and the Native American Heritage Commission (NAHC) will be notified within 24 hours of the discovery if the Coroner determines that the remains are Native American. The NAHC will designate the "Most Likely Descendent" (MLD) of the deceased Native American. The MLD will recommend an appropriate disposition of the remains. If a Native American monitor is on-site at the time of the discovery and that person has been designated the MLD by the NAHC, the monitor will make the recommendation of the appropriate disposition.
- DPR staff will work closely with Caltrans and FHWA to ensure that its response to such a discovery is also compliant with federal requirements including the Native American Graves Protection and Repatriation Act.

## GEOLOGY AND SOILS

**MINIMIZATION MEASURE GEO-1**

- The project area is within Seismic Zone 4 (CBC 2001). The retaining walls will be designed in accordance with any applicable requirements in the California Building Code (CBC 2001) or most recent accepted edition, in order to withstand any anticipated seismic affects. The seismic design parameters for the site are included in Table 1, below. Implementation of measure **GEO-1** will reduce impacts resulting from the project to less than significant.

**Table 5-** – Seismic Design Parameters

| Parameter | Value | 2001 CBC Reference |
|---|---|---|
| Seismic Zone Factor, Z | 0.40 | Table 16 - I |
| Soil Profile Type | $S_D$ | Table 16 - J |
| Seismic Coefficient $C_a$ | 0.57 | Table 16 - Q |
| Seismic Coefficient $C_v$ | 1.02 | Table 16 - R |
| Near-Source Factor, $N_a$ | 1.3 | Table 16 - S |
| Near-Source Factor, $N_v$ | 1.6 | Table 16 - T |
| Seismic Source Type | B | Table 16 - U |

*Source: Ninyo & Moore, 2005*

**MINIMIZATION MEASURE GEO-2**

- A Stormwater Pollution Prevention Plan (SWPPP) will be prepared and implemented by the State's contractor. The SWPPP will describe the Best Management Practices (BMPs) to be used in all areas to control soil and surface water runoff during any further geotechnical investigations and during excavation, grading and filling activities. Grading and excavation activities should not be planned during the rainy season (October 15 to April 15), but if storms are anticipated during construction or if construction must occur during winter months, "winterizing" will occur, including the covering (tarping) of any stockpiled soils and the use of temporary erosion control methods to protect disturbed soil.
- Temporary erosion control measures will be installed along the perimeter of the construction site and around areas where ditches or culverts could channel site runoff into nearby wetlands or sensitive biological communities. Temporary erosion control measures must be used during all soil disturbing activities and until all disturbed soil has been stabilized (recompacted, revegetated, etc.) These BMPs may include, but will not be limited to, the use of silt fences, geotextile mats or blankets, hydroseeding, weed free straw bales, or rice straw or coir wattles or fiber rolls, to prevent soil loss and siltation into nearby water bodies. The proper use and installation of these devices are available in the California Stormwater Quality Association's Stormwater Best Management Practice Handbook for Construction (CSQA 2003), at cabmphandbooks.com. The project would comply with all applicable water quality standards as specified in the CCRWQCB Basin Plan.
- Permanent BMPs for erosion control will consist of properly engineered structures to prevent erosion and landsliding, compacting disturbed areas, and revegetation of appropriate disturbed soil areas with native species using seed collected locally (Gaviota Coast). Final design plans will include specific BMPs to be incorporated into the project. The BMPs established for post-construction erosion control will be assessed annually and maintained as needed for a period of three years following construction.

**HAZARDS AND HAZARDOUS MATERIALS**

**MINIMIZATION MEASURE HAZ-1**

- All equipment will be inspected by the contractor for leaks immediately prior to the start of construction, and regularly inspected thereafter until equipment is removed from park premises. The contractor(s) will include a Spill Prevention and Response BMP as part of the SWPPP prior to the start of construction and will maintain a spill kit on-site throughout the life of the project. The SWPPP will include a map that delineates construction staging areas, where refueling, lubrication, and maintenance of equipment may occur. Areas designated for refueling, lubrication, and maintenance of equipment shall be at least 30 m (100 feet) feet from any water body or riparian habitat. Fueling and maintenance will be conducted on pavement unless designated otherwise. In the event of any spill or release of any chemical in any physical form at the project site or within the boundaries of the Park during construction, the contractor would immediately notify the appropriate DPR staff (e.g., project manager, supervisor, or State Representative).

- Equipment will be cleaned and repaired (other than emergency repairs) outside the park boundaries. All contaminated water, sludge, spill residue, or other hazardous compounds will be disposed of outside park boundaries, at a lawfully permitted or authorized destination. The details will be provided in the SWPPP.

**MINIMIZATION MEASURE HAZ-2**

- A Fire Safety Plan will be developed by the contractor and approved by DPR prior to the start of construction. This plan will include the emergency calling procedures for both the California Department of Forestry and Fire Protection and the Santa Barbara County Fire Department Station 18, at Gaviota.
- Spark arrestors or turbo-charging (which eliminates sparks in exhaust) and fire extinguishers will be required for all heavy equipment. Construction crews will be required to park vehicles away from flammable material, such as dry grass or brush. At the end of each workday, heavy equipment will be parked over mineral soil, asphalt, concrete, or aggregate base to reduce the chance of fire. The contractor shall ensure that fire suppression equipment is readily available on park grounds throughout the duration of the construction period.

**MINIMIZATION MEASURE HAZ-3**

- Prior to final project approval, DPR will consult with the Gaviota Marine Terminal landowner, Caltrans, and other interested parties, to evaluate site conditions based on existing records, pursue additional site investigation if required, and identify any remedial actions necessary to protect human health and the natural environment prior to development of the site.
- Due to the nature of proposed construction, this project would have a less than significant impact related to hazards and hazardous materials. Nevertheless, in the unanticipated event that hazardous materials (e.g. contaminated soils or water) are exposed onsite during construction, project activities will immediately be suspended until the State Representative has notified all appropriate regulatory authorities and approved measures for responding to the discovery, including protection of human health and safety and the natural environment, have been implemented by the responsible party or parties.
- Measures for responding to hazardous materials discovery will include actions to protect worker health and safety, will identify roles and responsibilities of the landowner, local, state and federal agencies and contractor(s), and will specify methods for testing and safe disposal of any excess material generated by the project.

- If bioremediated soil is to be used for fill, the soil will be tested for the expected constituents of concern (petroleum compounds, heavy metals) and documentation provided that the levels of COCs are acceptable for use as fill material. The previous land owner/operator of the tank farm/facility will provide this testing and documentation.

## HYDROLOGY AND WATER QUALITY

### MINIMIZATION MEASURE HYDRO-1

- The amount of increased runoff due to the paved trail and the parking lot will be determined and an appropriately sized and designed stormwater drainage system will be installed to prevent any on- or off-site flooding.
- As part of the grading and landscaping design, surface water runoff will be directed into existing or new stormwater drains or allowed to sheetflow off the trail.
- A Storm Water Pollution Prevention Plan and associated erosion control plan, as required by the State Water Resources Control Board, would also include BMPs for control of runoff and erosion (See Minimization Measure **GEO-2**).
- The SWPPP will identify all pollutant and sediment sources that may affect storm water discharges from the construction site, identify and implement BMPs to reduce or eliminate these pollutants and sediments during construction and post-construction, and develop a maintenance schedule for post-construction BMPs.

### MINIMIZATION MEASURE HYDRO-2

- A tsunami warning sign will be posted at the trailhead that describes the warning signs and gives directions to move to higher ground, either farther east along the trail or upslope to the north.

## NOISE

### MINIMIZATION (NOISE ATTENUATION) MEASURE NOISE-1

- Construction activities would generally be limited to the daylight hours, Monday - Friday. If work during weekends or holidays is required, no work would occur on those days before 7:30 am or after 8 p.m.
- Internal combustion engines used for any purpose at the job site would be equipped with a muffler of a type recommended by the manufacturer. Equipment and trucks used for construction would utilize the best available noise control techniques (e.g., engine enclosures, acoustically-attenuating shields or shrouds, intake silencers, ducts, etc.) whenever feasible and necessary.
- Stationary noise sources and staging areas would be located as far from sensitive receptors as possible. If they must be located near sensitive receptors, stationary noise sources would be muffled to the extent feasible and/or, where practicable, enclosed within temporary sheds.

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The following corrections, additions, and deletions have been made to the California Coastal Trail – Gaviota Segment Project Draft MND. Additions and corrections are underlined; strikeout indicates a deletion. Minor punctuation, spelling, and grammatical corrections that contribute to ease of understanding, but have no significant impact on the content, have not been noted.

**Change to Page 7, Section 2.2 – Project Location:**

Approximately 0.8 km (0.5 mi) of the proposed trail is located outside Gaviota State Park in the adjacent Gaviota Marine Terminal (owned by Shell ~~Oil~~ Pipeline Company,

LP), ~~for which there is an existing offer to dedicate a trail easement to a public agency~~ within an easement transferred to the California Department of Parks and Recreation by the State Coastal Conservancy in June 2005.

**Change to Page 10, Section 2.5 – Project Description - Technical:**
The trail corridor would extend through the Gaviota Marine Terminal, owned by Shell Pipeline Company, LP, within an easement transferred to the California Department of Parks and Recreation by the State Coastal Conservancy in June 2005.~~facilitited by an easement provided by an existing offer-to-dedicate~~.

[The above two changes are in response to updated information provided by DPR's Real Property Division].

**Change to Page 15, Section 2.10 - Related Projects:**
Santa Barbara County Public Works Department ~~has~~ proposed a separate project adjacent to the DPR project area. The County's Gaviota Beach Road and Bridge Improvement Project was evaluated in an EIR circulated through the State Clearinghouse June 2005 and March 2006. Although DPR and the County have conducted simultaneous environmental review, documentation and permitting processes, each proposal is a stand-alone project which could be implemented independently of the other. The Gaviota Beach Road Improvement Project proposed~~s~~ to elevate the majority of Gaviota Beach Road from U.S. Route 101 to the Gaviota State Park entrance station. It included~~s~~ the construction of a new all-weather bridge approximately 11 feet above the flow line elevation of Gaviota Creek. ~~Coordination between the County Public Works Department and DPR will continue regarding the planned change of road elevation at the proposed trailhead parking area~~. The County's proposal was denied a permit by the California Coastal Commission.

[Change is in response to clarification provided by DPR Channel Coast District staff].

**Change to Page 59, Mitigation Measure Bio-3:**
- Any eucalyptus tree removal from within the Cañada del Cementerio drainage will take place between September ~~16~~ 17 and October 1 to avoid the monarch overwintering period and the breeding bird season.

[Change is in response to clarification provided by DPR Northern Service Center staff].

**Change to Page 60, Mitigation Measure Bio-4:**
- The cutting and removal of native and non-native vegetation and man-made nesting substrates will occur between September ~~16~~ 17 and January 31 to avoid the breeding bird season (this window for vegetation cutting and removal may be shortened due to seasonal restrictions established for the avoidance and minimization of impacts to other species). If subsequent construction activities are delayed for a period of 1 month following initial vegetation cutting and removal, weekly bird nest surveys will be conducted beginning 30 days prior to any planned disturbance of suitable nesting habitat (e.g. additional cutting and removal of vegetation) during the breeding season with the last survey being conducted no more than three days prior to the resumption of work affecting nesting habitat. If an active raptor nest is located, clearing and construction within 76 m (250 ft) will be

postponed until the nest is vacated and juveniles have fledged. If an active nest of another native bird species is located, clearing and construction within 46 m (150 ft) will be postponed until the nest is vacated and juveniles have fledged.

- ♦ Limits of construction to avoid a nest will be established in the field with flagging and stakes or construction fencing. Construction personnel will be instructed on the sensitivity of the area.

[Change is in response to clarification provided by DPR Northern Service Center staff].

**Addition to Page 61, Mitigation Measure Bio-7:**

- ♦ Pursuant to Fish and Game Code Section 2081, DPR will apply to for a California Endangered Species Act (CESA) permit for the anticipated "take" of Gaviota tarplant, a State- and federally-listed endangered plant. Caltrans is consulting with the US Fish and Wildlife Service regarding Gaviota Tarplant to ensure project compliance with Section 7 of the (federal) Endangered Species Action (ESA).

[Change is in response to concerns raised by the California Department of Fish and Game].

**Addition to Page 62, Mitigation Measure Bio-8:**

- ♦ Pursuant to Fish and Game Code Section 1600 et seq., DPR will apply for a Streambed Alteration Agreement (SAA) with the California Department of Fish and Game regarding the project's direct or indirect impacts to stream bed, bank or channel and associated riparian resources. The SAA may require project modification(s).

[Change is in response to concerns raised by the California Department of Fish and Game].

**Correction and Change to Page 66, Mitigation Measure Bio-14:**

- ♦ ~~The cutting and removal of native and non-native vegetation and man-made nesting substrates will occur between September 16 and January 31 to avoid the breeding bird season (this window for vegetation cutting and removal may be shortened due to seasonal restrictions established for the avoidance and minimization of impacts to other species). If subsequent construction activities are delayed for a period of 1 month following initial vegetation cutting and removal, weekly bird nest surveys will be conducted beginning 30 days prior to the disturbance of suitable nesting habitat with the last survey being conducted no more than three days prior to the initiation of clearance/construction work. If an active raptor nest is located, clearing and construction within 76 m (250 ft) will be postponed until the nest is vacated and juveniles have fledged. If an active nest of another native bird species is located, clearing and construction within 46 m (150 ft) will be postponed until the nest is vacated and juveniles have fledged.~~

- ♦ ~~Weekly white-tailed kite nest surveys will be conducted beginning at least 30 days prior to any tree removal that is scheduled to take place between September 15 and October 31. If an active nest is located, clearing and construction within 152 m (500 ft) will be postponed until the nest is vacated and juveniles have fledged.~~

~~Limits of construction to avoid a nest will be established in the field with flagging and stakes or construction fencing. Construction personnel will be instructed on the sensitivity of the area.~~ [Changed to remove repetitious text].

- To minimize potential impacts to California red-legged frog (CRLF), DPR has evaluated the potential presence of this species or its habitat according to US Fish and Wildlife Service (USFWS) protocols.
- DPR will develop measures to avoid or minimize project impacts on this species in consultation with Caltrans and federal and state regulatory agencies. These measures may include (but not be limited to): preconstruction surveys for CRLF adults, tadpoles, or eggs; construction monitoring by a qualified biologist; limiting vegetation removal to the dry season (September 17 - October 31); and limiting work to daylight hours.

[Change is in response to concerns raised by the California Department of Fish and Game].

**Additions to Page 66, after Minimization Measure Bio-14:**

**MINIMIZATION MEASURE BIO-15**

To minimize potential impacts to southwestern pond turtle (SWPT), two-striped garter snake (TSGS) and Coast Range newt (CRN), DPR will implement the following measures:

- Prior to initiating construction for the installation of culverts, all construction sites and access roads within the streambed, as well as all streambed areas within 300 feet of the construction site and access road, will be inspected at the appropriate season by a qualified biologist for the presence of TSGS, CRN, and SWPT.
- Construction work areas and access roads will be cleared of TSGS, CRN, and SWPT before the prescribed work is to be carried out, immediately before any equipment is moved into or through the stream or habitat areas, and immediately before diverting any stream water. Any removal of such species will be conducted by a qualified biologist with the appropriate collection or handling permits, with the animals relocated to nearby suitable habitat areas.

[Change is in response to concerns raised by the California Department of Fish and Game].

**Change to Page 101, Minimization Measure Haz-1:**

- ~~If bioremediated soil is used for fill, then the soil will be tested for the expected constituents of concern (petroleum compounds, heavy metals) and documentation provided that the levels of COCs are acceptable for use as fill material. The previous land owner/operator of the tank farm/facility will provide this testing and documentation.~~ [Moved to Minimization Measure Haz-3, for clarity].

**Addition to Page 102, after Minimization Measure Haz-2:**

**MINIMIZATION MEASURE HAZ-3**

- Prior to final project approval, DPR will consult with the Gaviota Marine Terminal landowner, Caltrans, and other interested parties, to evaluate site conditions based on existing records, pursue additional site investigation if required, and identify any remedial actions necessary to protect human health and the natural environment prior to development of the site.
- Due to the nature of proposed construction, this project would have a less than significant impact related to hazards and hazardous materials. Nevertheless, in the unanticipated event that hazardous materials (e.g. contaminated soils or water) are exposed onsite during construction, project activities will immediately be suspended until the State Representative has notified all appropriate regulatory authorities and approved measures for responding to the discovery, including protection of human health and safety and the natural environment, have been implemented by the responsible party or parties.
- Measures for responding to hazardous materials discovery will include actions to protect worker health and safety, will identify roles and responsibilities of the landowner, local, state and federal agencies and contractor(s), and will specify methods for testing and safe disposal of any excess material generated by the project.
- If bioremediated soil is to be used for fill, the soil will be tested for the expected constituents of concern (petroleum compounds, heavy metals) and documentation provided that the levels of COCs are acceptable for use as fill material. The previous land owner/operator of the tank farm/facility will provide this testing and documentation.

[Change is in response to concerns raised by the California Department of Toxic Substances Control].

The 30-day review period for this Initial Study/Mitigated Negative Declaration closed on August 10, 2007. No state agencies submitted comments to the State Clearinghouse or contacted the Lead Agency by that date. Changes to the draft MND listed above include DPR's responses to comments received after the close of the state review period from the Department of Fish and Game and the Department of Toxic Substances Control.

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This document, along with the Draft Initial Study/Mitigated Negative Declaration (SCH # 2004091034), corrected as noted above; Comments and Response to Comments; Mitigation Monitoring and Reporting Program; and the Notice of Determination, constitute the Final Mitigated Negative Declaration for the California Coastal Trail – Gaviota Segment Project at Gaviota State Park.

Pursuant to Section 21082.1 of the California Environmental Quality Act, DPR has independently reviewed and analyzed the Initial Study and Negative Declaration for the proposed project and finds that these documents reflect the independent judgment of

DPR. DPR, as lead agency, also confirms that the project mitigation measures detailed in these documents are feasible and will be implemented as stated in the Negative Declaration.

_____ _____

Susan Wilcox
Environmental Coordinator
California Department of Parks & Recreation
Northern Service Center

Date

_____ _____

Stephen Lehman, Deputy Director
California Department of Parks & Recreation
Acquisition and Development Division

Date